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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Patent
Volkmar KLEIN et al.	:	Group Art Unit:
Serial No.: 10/593,473	:	Examiner:
Filed: September 19, 2006	:	
For: FILTER DEVICE	:	


**SUBMISSION OF ENGLISH LANGUAGE
PRELIMINARY EXAMINATION REPORT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is an English language Preliminary Examination Report for the above-identified application.

Respectfully submitted,



Mark S. Bicks
Reg. No. 28,770

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Dated: December 6, 2006

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

Bartels und Partner
BARTELS UND PARTNER Patentanwälte
Lange Str. 51
70174 Stuttgart
ALLEMAGNE

Eingegangen:
Received: 15. NOV. 2006

TERMIN

Date of mailing (day/month/year)
09 November 2006 (09.11.2006)

Applicant's or agent's file reference
40cdh/229330

IMPORTANT NOTIFICATION

International application No.
PCT/EP2005/002215

International filing date (day/month/year)
03 March 2005 (03.03.2005)

Applicant

HYDAC FILTERTECHNIK GMBH et al

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SM, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
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Authorized officer

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 40cdh/229330	FOR FURTHER ACTION	See item 4 below
International application No. PCT/EP2005/002215	International filing date (<i>day/month/year</i>) 03 March 2005 (03.03.2005)	Priority date (<i>day/month/year</i>) 20 March 2004 (20.03.2004)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant HYDAC FILTERTECHNIK GMBH		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

Date of issuance of this report
01 November 2006 (01.11.2006)

Authorized officer

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1211 Geneva 20, Switzerland

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PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year)

See form PCT/ISA/210

Applicant's or agent's file reference

40cdh/229330

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2005/002215

International filing date (day/month/year)

03.03.2005

Priority date (day/month/year)

20.03.2004

International Patent Classification (IPC) or both national classification and IPC

B01D35/153, B01D35/027, B01D29/96

Applicant

HYDAC FILTERTECHNIK GMBH

1. This opinion contains indications relating to the following items:



Box No. I

Basis of the opinion



Box No. II

Priority



Box No. III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability



Box No. IV

Lack of unity of invention



Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement



Box No. VI

Certain documents cited



Box No. VII

Certain defects in the international application



Box No. VIII

Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/002215

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language
_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/EP2005/002215

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	3-8	YES
	Claims	1, 2	NO
Inventive step (IS)	Claims	7, 8	YES
	Claims	1-6	NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims		NO

2. Citations and explanations:

1. Novelty

Each of documents D1-D3 discloses filter cartridges, which serves as a housing, with a filter element situated therein, which filter cartridges can be connected to a fluid device by means of a bayonet connection.

During the locking movement, a blocking part is moved from its closed position into its open position. Said blocking part is embodied in D3 as a valve tappet which is acted on with spring force (see D3, figures 1-7), whereas D1 and D2 disclose rotatably mounted rotary slide valves (see D1, figures 1-6 and D2, figure 3). The subject matters of claims 1 and 2 are therefore not novel (PCT Article 33(2)).

2. Inventive step

2.1 None of the present documents discloses drivers which project from the rotary slide valve into the interior of the filter housing. D1 and D2, however, disclose rotary slide valves which are provided with two ports and into which drivers

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/002215

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

project from the filter housing, so that the rotation for locking the bayonet connection is transmitted to the rotary slide valve which releases, or in the inverse case blocks, both the inlet opening and the outlet opening as a result. The principle of a driver is thus the same in both cases. For the functioning of the device, it is irrelevant whether the driver projects from the housing into the rotary slide valve or vice versa - the two options constitute the only two alternatives from which a person skilled in the art would choose according to the circumstances, without thereby being inventive. Since no additional effect is obtained by the variant described in claim 3, the requirements of PCT Article 33(3) are not met, and the same applies for claim 4.

2.2 Valves having closing springs which are opened by means of control lugs (claim 5) are sufficiently known from the prior art, for example from D3. Since said feature has already been used for the same purpose in a similar filter, if a person skilled in the art wished to achieve the same aim in a filter as per document D1 or D2, he could easily apply these features to like effect here. In this way he would arrive at a filter as per claim 5 without thereby being inventive (PCT Article 33(3)).

2.3 Dependent claim 6 does not appear to define anything other than the features required for a

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/002215

Box No. V

Reasoned statement under Rule 43bis I(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

conventional bayonet connection. With regard to D1-D3, the subject matter of claim 1 therefore also cannot substantiate the involvement of an inventive step (PCT Article 33(3)).

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/002215

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box I and V

Reference is made to the following documents:

- D1: US-A-5 826 854 (JANVRIN ET AL) 27 October
1998 (1998-10-27)
- D2: US 2002/185425 A1 (BASSETT LAURENCE W ET AL)
12 December 2002 (2002-12-12)
- D3: US 2002/036162 A1 (MAGNUSSON JAN H ET AL) 28
March 2002 (2002-03-28)